

104TH CONGRESS
1ST SESSION

H. R. 2817

To treat juvenile records in the same manner as adult records in certain cases.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 1995

Mr. SCHUMER introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To treat juvenile records in the same manner as adult records in certain cases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Records Act
5 of 1995”.

6 **SEC. 2. FEDERAL JUVENILE RECORDS.**

7 Section 5038 of title 18, United States Code, is
8 amended—

9 (1) so that subsection (a) reads as follows:

1 “(a) Throughout and upon completion of the juvenile
 2 delinquency proceeding, the records shall be treated in the
 3 same manner as the records of adults. The records of juve-
 4 niles charged with crimes which would be felonies if com-
 5 mitted by adults shall be released in the same manner as
 6 the records of adults charged with similar offenses.”;

7 (2) by striking subsections (b) through (e) and
 8 inserting the following:

9 “(b) Whenever a juvenile is found guilty of commit-
 10 ting an act which if committed by an adult would require
 11 the fingerprinting and photographing of the offender, such
 12 juvenile shall be fingerprinted and photographed. Finger-
 13 prints and photographs of juveniles shall be made avail-
 14 able in the manner applicable to adult offenders.”; and

15 (3) in subsection (f)—

16 (A) by striking “(f)” and inserting “(c)”;

17 and

18 (B) by striking “on two separate occa-
 19 sions”.

20 **SEC. 3. STATE JUVENILE RECORDS.**

21 (a) IN GENERAL.—Section 223(a) of the Juvenile
 22 Justice and Delinquency Prevention Act of 1974 (42
 23 U.S.C. 5633(a)) is amended—

24 (1) by striking “and” at the end of paragraph

25 (24);

1 (2) by striking the period at the end of para-
2 graph (25) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(26) provide that the State will ensure that
5 whenever in a juvenile proceeding a juvenile is found
6 to have committed an act that would be criminal if
7 committed by an adult—

8 “(A) a record is kept relating to such pro-
9 ceeding that is—

10 “(i) equivalent to the records that
11 would be kept relating to convictions of an
12 adult for committing such act;

13 “(ii) retained for a period of time that
14 is equal to the period of time records are
15 retained for such convictions; and

16 “(iii) made available to law enforce-
17 ment and school officials to the same ex-
18 tent that records of such convictions would
19 be made available, except that such a
20 record regarding an act that would be
21 charged as a felony (as defined in section
22 3156(a) of title 18 of the United States
23 Code) if committed by an adult shall be
24 treated in the same manner as records of

1 convictions of adults for committing such
2 felony;

3 “(B) the juvenile is fingerprinted and pho-
4 tographed, and the fingerprints and photo-
5 graphs are retained and distributed in the same
6 manner as are the fingerprints and photographs
7 of adults convicted of committing such act; and

8 “(C) the court in which such proceeding is
9 held transmits to the Federal Bureau of Inves-
10 tigation the information concerning such pro-
11 ceeding, including the name and birth date of
12 the juvenile, the date of the finding, and dis-
13 position of the matter.”.

14 (b) FORMULA GRANT REDUCTION FOR NONCOMPLI-
15 ANCE.—Section 506 of title I of the Omnibus Crime Con-
16 trol and Safe Streets Act of 1968 is amended by adding
17 at the end the following:

18 “(g)(1) In order not to reduce the funds available
19 under this subpart by 20 percent (for redistribution to
20 other participating States), a State shall, not later than
21 the first day of the first fiscal year beginning after the
22 3-year period beginning after the date of the enactment
23 of the Juvenile Records Act of 1995, comply with the re-
24 quirements of section 223(a)(26) of the Juvenile Justice

1 and Delinquency Prevention Act of 1974 (42 U.S.C.
2 5633(a)).

3 “(2) The Attorney General may extend the time pe-
4 riod referred to in paragraph (1) to a 5-year period if the
5 Attorney General determines that the State has made a
6 good faith effort to comply with the requirements referred
7 to in such paragraph.”.

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